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Appeal from Circuit Court, Fairfax County.

Action by Julia Mae Garrett against Walker D. Hines, Director General of Railroads. Judgment for plaintiff, and defendant appeals. Reversed and remanded, with directions.

C. Vernon Ford and Wilson M. Farr, for appellant.

Barbour, Keith, McClandlish & Garnett, for appellee.

ADDINGTON *v.* GUEST RIVER COAL CO.

Sept. 22, 1921.

[108 S. E. 695.]

1. Trial (§ 139 (1*))—Demurrer to Evidence Overruled if Reasonably Fair-Minded Men Might Have Differed.—On demurrer to the evidence, the court must decide in favor of a demurree if the evidence is such that the jury might have found a verdict for him, or if reasonably fair-minded men might have differed.

[Ed. Note.—For other cases, see 4 Va.-W. Va. Enc. Dig. 514.]

2. Master and Servant (§ 236 (1*))—Servant Must Protect Himself from Known Dangers.—A servant must provide for his own safety from such dangers as are known to him, or which are discernible by ordinary care on his part.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

3. Master and Servant (§ 154 (1*))—Warning Necessary Only Where Servant Is Ignorant of Danger.—The master is required to inform servant of dangers ordinarily incident to the service only where the danger is known, or ought to have been known, to the master, and is not known to and cannot reasonably be expected to be discovered by the exercise of ordinary care by the servant on account of youth or inexperience.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

4. Master and Servant (§ 107 (5*))—Rule Requiring Safe Place Inapplicable to Work Changing Character of Place.—A master who employs a servant to engage in dangerous work must use ordinary and reasonable care to make the place of work as reasonably safe as the nature of the work permits, but such rule does not apply when the work consists in constantly changing the character of the place for safety as the work progresses.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

5. Master and Servant (§ 217 (1*))—Risk of Known Dangers Assumed.—A servant assumes all ordinary risks of the service, and generally all risks from causes known to him, or readily discernible by a person of his age or capacity in the exercise of ordinary care.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

6. Master and Servant (§ 247 (1)*)—Servant's Negligence, Proximately Contributing to Injuries, Precludes Recovery.—A servant cannot recover for injuries by master's negligence if he has himself been guilty of negligence that either solely caused or proximately contributed to the injuries.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

7. Master and Servant (§ 217 (23)*)—Coal Miner Held to Have Assumed Risk of Fall of Slate.—An experienced coal miner familiar with the use of props to prevent fall of draw slate from ceiling of mine, assumed the risk of the fall of draw slate by continuing to work with knowledge that there was a loose slab of draw slate in ceiling after the danger thereof had been called to his attention without setting prop, which had been furnished by master to support the rock.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

Error to Circuit Court, Wise County.

Action by W. B. Addington, Administrator, against the Guests River Coal Company. Judgment for defendant on demurrer to evidence, and plaintiff brings error. Affirmed.

Fulton & Vicars, of Wise, for plaintiff in error.

Bullitt & Chalkley, of Big Stone Gap, for defendant in error.

CLINCHFIELD COAL CORPORATION *v.* HAWKINS.

Sept. 22, 1921.

[108 S. E. 704.]

1. Master and Servant (§ 153 (2)*)—Mine Operator Required by Statute to Give Inexperienced Employees Immediate Personal Direction.—Under Code 1919, § 1840, providing that an inexperienced coal miner shall work under direction of a foreman, or other experienced worker, until he has had reasonable opportunity to become familiar with ordinary dangers, furnishing an inexperienced miner with competent foreman and experienced workmen is not sufficient but he must be given such immediate personal direction as to afford him a reasonable opportunity to become familiar with the ordinary dangers incident to the work.

[Ed. Note.—For other cases, see 9 Va.-W. Va. Enc. Dig. 657.]

2. Master and Servant (§ 289 (11)*)—Contributory Negligence of Inexperienced Coal Miner Held for Jury.—In an action for injuries to an inexperienced coal miner 21 years old, who had worked with an experienced miner about nine days before he was hurt by falling slate about and after a shot, held on evidence that it was a question

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.